

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

### **I. DISPUTE**

1. a. Whether there should be reimbursement of \$7,200.00 for dates of service 02/06/01, 02/07/01, 02/08/01, 02/13/01, 02/16/01, 02/19/01, 02/20/01 and 02/22/01.
- b. The request was received on 01/14/02.

### **II. EXHIBITS**

1. Requestor, Exhibit 1:
  - a. TWCC 60 and Letter Requesting Dispute Resolution dated 08/20/01
  - b. HCFA(s)
  - c. EOB
  - d. Medical Records
  - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. The case file contains no carrier sign sheet. The provider submitted a copy of the certified mail receipt indicating the carrier received a copy of their response on 02/02/02. The Respondent did not submit a response to the request. The "No Response Submitted" sheet is reflected in Exhibit II of the Commission's case file.
3. Notice of Medical Dispute is reflected as Exhibit III of the Commission's case file.

### **III. PARTIES' POSITIONS**

1. Requestor: The requestor states in the correspondence dated 08/20/01 that, "ADJUSTER...STATED ON JULY 9, 2001 THAT THE REASON THE REQUEST HAD BEEN DENIED WAS DUE TO A CHANGE MADE BY...OF THE TREATING DOCTOR, WHICH TOOK PLACE ON JANUARY 24, 2001. DENIALS OF PAYMENT WERE MADE BEGINNING FEBRUARY 6 THRU FEBRUARY 22, 2001. ADJUSTER...STATED THAT HE NOTIFIED OUR OFFICE OF THE CHANGE IN THE TREATING DOCTOR ON JANUARY 31, 2001. OUR RECORDS REFLECT THAT ADJUSTER...DID NOT GIVE NEITHER WRITTEN NOR VERBAL NOTIFICATION, NOR WAS ANY OTHER NOTIFICATION RECEIVED IN OUR OFFICE. IN ADDITION, WHEN QUESTIONED, HE COULD NOT IDENTIFY THE INDIVIDUAL HE ALLEGEDLY SPOKE WITH FROM OUR OFFICE. WHEN PRE-AUTHORIZATION IS ALLOWED FOR FIFTEEN SESSIONS, IT IS NOT REASONABLE TO QUESTION THE PATIENT AT EACH AND EVERY SESSION WHETHER OR NOT HIS/HER TREATING DOCTOR HAS CHANGED."

2. Respondent: The Respondent did not submit a response to the request for medical dispute.

#### **IV. FINDINGS**

1. Based on Commission Rule 133.307(d) (1) (2), the only dates of service eligible for review are 02/06/01, 02/07/01, 02/08/01, 02/13/01, 02/16/01, 02/19/01, 02/20/01, 02/22/01.
2. The provider billed \$7,200.00 for referenced dates of service for a Chronic Pain Management Program billed by CPT code 997799-CP-6. The provider charged \$900.00 per day for 6 units of services.
3. The provider received pre-authorization for 15 sessions of Chronic Pain Management on 01/18/01.
4. The carrier denied all billed charges with the denial code of "TX N Not Documented TWCC 62 ...DENIED...NOT TREATING DOCTOR...PROVIDER NOTIFIED OF CHANGE ON 1/31 AND THAT ADDITIONAL TREATMENT NOT WARRANTED."

#### **V. RATIONALE**

Medical Review Division's rationale:

In accordance with Rule 134.600 (h) (10) (B), Dr... "B" received pre-authorization of fifteen sessions for of a Chronic Pain Management Program on 01/18/01. Per TWCC form 53 dated 01/24/01, the treating doctor was changed to Dr... "H". The dates of service in dispute were performed after the treating doctor was changed from Dr... "B" to Dr... "H." The current treating doctor failed to request pre-authorization per Rule 134.600 (h) (10) (B). Therefore, nor reimbursement is recommended." TWCC record of 01/30/01 notes, "TWCC 53 SENT TO ALL PARTIES."

The above Findings and Decision are hereby issued this 24th day of April, 2002.

Donna M. Myers, B.S.  
Medical Dispute Resolution Officer  
Medical Review Division

This document is signed under the authority delegated to me by Richard Reynolds, Executive Director, pursuant to the Texas Workers' Compensation Act, Texas Labor Code Sections 402.041 - 402.042 and re-delegated by Virginia May, Deputy Executive Director.